IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 7489/2002

ABDULLA Vs. BOARD OF REVENUE & ANR.

DATE: 07.09.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. Raghunandan Sharma for the petitioner.

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Vide order dated 10.01.2007, the petitioner was directed to enquire as to whether the revenue court dismissed the case No. 260/93 in default on 08.03.2000, has been restored or not?

Learned counsel appearing for the petitioner submits that he has been instructed by the petitioner that no notice whatsoever is received by him regarding restoration of the suit No. 260/93 and, therefore, he cannot say the case is restored back or not?

Heard learned counsel for the petitioner on the merits of the writ petition.

Learned counsel for the petitioner submits that while passing the orders impugned dated 10.09.2002, 30.05.2002, 13.06.97 and 27.07.93 by the SDO, Malpura, Board of Revenue, Ajmer, Revenue Appellate Authority and the SDO, Malpura respectively,

all the Courts below have committed wrong to appoint receiver on the land in question. He further submits that the disputed land belongs to deity Thakurji Shri Laxminathji virajman Mandir Shri Laxminathji, Malpura and the order appointing receiver has been passed without giving opportunity of being heard to the petitioner and the petitioner is the owner of the land in dispute.

I have heard learned counsel for the petitioner and have also gone through the impugned orders dated 10.09.2002, 30.05.2002, 13.06.97 and 27.07.93 passed by the SDO, Malpura, Board of Revenue, Ajmer, Revenue Appellate Authority and the SDO, Malpura respectively.

All the Courts below have given concurrent findings regarding land in dispute and held that the disputed land belongs to deity and the petitioner is digging pits in the said land and also cutting trees, therefore, in the facts and circumstances of the case, the SDO, Malpura thought it proper to appoint a receiver vide order dated 27.07.93 and the order passed by the SDO, Malpura has been upheld by the Revenue Appellate Authority, Tonk as well as the Board of Revenue, Ajmer vide order dated 13.06.97 and 30.05.2002 respectively.

I find no illegality or error in the impugned orders and the same requires no interference whatsoever by this Court.

Consequently, the writ petition fails and the same is hereby dismissed.

The stay order dated 25.10.2002 granted by this Court stands rejected. The stay application also stands rejected.

(K.S. RATHORE),J.

/KKC/